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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001013

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [PHUM](#) [KCOR](#) [EAID](#) [NI](#)

SUBJECT: INEC SEEKS PARTY DE-REGISTRATION POWERS -- OR NOT?

REF: A. 03 ABUJA 2150

[1](#)B. 03 ABUJA 2046

[1](#)C. 03 ABUJA 1975

CLASSIFIED BY COUNSELOR JAMES MAXSTADT FOR REASONS 1.5 (b) and (d).

[1](#)1. (SBU) SUMMARY: The Nigerian press reported that INEC Permanent Secretary Abubakar Jauro on June 2 had asked the National Assembly to grant the Independent National Electoral Commission (INEC) the power to "de-register and sanction...erring political parties." Claiming that INEC had been unable to fulfill its oversight functions, Jauro reportedly told lawmakers that INEC at present could neither register nor de-register parties, and therefore this authority was necessary to ensure that political parties did not misuse funds. Following Embassy enquiries, INEC's Director of Public Affairs Steve Osemeke told the press that Jauro had made no such request. An INEC Commissioner, however, confirmed that INEC was seeking authority to de-register political parties, and suggested that INEC could "formalize" the request soon. While there are indeed some political parties that are essentially fronts, only in business to pocket GON election campaign subsidies, it is widely feared that the rather less than "Independent" INEC would use any de-registration powers against President Obasanjo's rather more real opponents. END SUMMARY.

DE-REGISTRATION REARS ITS HEAD AGAIN

[1](#)2. (U) INEC Permanent Secretary Abubakar Jauro briefed members of the House of Assembly Committee on Public Account on June 2 to defend the INEC budget. The press reported that Jauro asked the National Assembly grant INEC the power to "de-register and sanction...erring political parties." He complained that many of Nigeria's thirty political parties "ignored INEC guidelines" and "engaged in a "hide and seek game" with election campaign funds from the GON. Claiming that INEC had been unable to fulfill its oversight functions, Jauro reportedly asked the National Assembly to modify the Constitution or the Electoral Act to increase INEC's powers to discipline political parties.

[1](#)3. (U) INEC had spoken last year about gaining such de-registration powers but had backed down in the face of fears that such powers would be used against the opposition (reftels). Embassy made enquiries to INEC about Jauro's testimony June 2, but INEC did not respond. Instead, a letter from INEC's Director of Public Affairs Steve Osemeke was published in the press on June 4 denying the entire incident. Osemeke claimed that Jauro made no such request for powers to de-register political parties, but rather "lamented" the inability of INEC to carry out its financial oversight functions.

[1](#)4. (SBU) An INEC commissioner, however, confirmed to EmbOffs June 4 that INEC was again seeking the authority to discipline, and even de-register, parties. "The (Permanent Secretary) was expressing the view of the Chairman and INEC

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itself," the Commissioner claimed. He said that "no formal request was made," but that INEC was likely to formalize the matter soon with a letter requesting the National Assembly make the appropriate amendments.

ACCOUNTING FOR INEC FUNDS

[1](#)5. (U) Jauro's briefing to the National Assembly was to have dealt with INEC's 2003 accounts, specifically INEC's alleged failure to submit those accounts to Nigeria's Auditor General. Jauro told the National Assembly that complaints about INEC's failure to submit its books were unfounded. While admitting that the books had not been submitted to the Auditor General, Osemeke claimed in his letter to the press that the deadline for submission to the Auditor General was not until June. He went on to "enjoin" all media houses to "shun sensational stories" to make sure the general public is not fed "falsehoods" by the media.

COMMENT

[1](#)6. (C) While criticism dogs INEC in the wake of the flawed 2003 national elections and the failure of the 2004 local elections, there is a continuing problem with "front" parties

that exist only to pocket GON election campaign subsidies. Civil society has proposed to INEC several ways other than party de-registration to halt the misuse of funds, including a cutoff of funding to parties that do not gain a minimal, set percentage of the vote -- as is the practice in the U.S. and many other democracies. It is widely feared that the not very "Independent" INEC is using the public's desire for reducing the siphoning off of election funding by parties that are not real, to gain powers that would be used instead to harass the very real opposition parties. Given INEC's checkered past and the partisan nature of its current crop of Commissioners (reftels), allowing INEC subjective authority to de-register political parties would be a serious problem for democracy in Nigeria.

ROBERTS